

LUD 5353.7 DIV (10016357)**REMARKS**

Entry of the foregoing amendment is requested.

On March 30, 2004, applicants received an Interview Summary from the Examiner. A copy is attached. At the end of the "Continuation Sheet" the following statement is made: "Applicant was advised that closed language drawn to a nucleic acid consisting of SEQ ID NO: 18 and fragments thereof at least 27 nucleotides in length was considered allowable at this time."

Claim 75 now recites this language verbatim, except to add "isolated," which is always required in claims to nucleic acid molecules to satisfy the dictates of 35 U.S.C. § 101, and "molecule" has been added after "acid," because this is the proper terminology.


This is the language that is presented by the Examiner herself as allowable. This can easily be seen in the Interview Summary. To the extent the previously submitted claims did not so state, the disparity is regretted.

In view of the Examiner's statement that these claims are allowable, a Notice of Allowance is called for and is urged.

Should an allowance not be forthcoming, a conference with the Supervisory Examiner, and Quality Assurance Specialist Eyler is called for. It is recognized that the SPE is new to the case; however, Dr. Eyler participated in the interview, as did the former SPE, i.e., Dr. Caputa.

Respectfully submitted,

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**Attachment: Interview Summary**